

CHAPTER 2

LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS

Article 1. The Mayor and Council of Brunswick

Title 1. Council Organization

Section 2-1101. Regular Meetings

The Mayor and Council of Brunswick ("Mayor and Council") shall hold regular meetings on the second Tuesday of each month. All regular meetings shall be held in the City hall.

Section 2-1102. Special Meetings

Special meetings shall be called by the Clerk Treasurer upon request of the Mayor or a majority of the Council members. Public notification concerning such meetings shall be published in a newspaper of general circulation in the City, as well as posted at the City hall.

Section 2-1103. Presiding Officer

The Mayor shall serve as Chairman of the Council. The chairman of the Council shall be the Presiding Officer. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order. The Mayor may take part in all discussions and shall have a vote only in the case of a tie. Subject to his veto authority, he shall sign all ordinances and regulations adopted by the Council in his presence.

Section 2-1104. Special Committees

All special committees shall be appointed by the Mayor unless otherwise directed by the Council.

Title 2. Council Procedures

Section 2-1201. Order of Business

All meetings of the Council shall be open to the public unless closed in accordance with the laws of the State. Promptly at the hour set on the day of each regular meeting, the members of the Council, the Clerk/Treasurer, and the Mayor shall take their regular stations in the City Hall, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (A) Call to order.
- (B) Roll call.
- (C) Approval of minutes of previous meeting.
- (D) Petitions, remonstrances and communications.

(E) Introduction and adoption of resolutions and ordinances.

(F) Report of Officers - Council - Committees.

(G) Unfinished business.

(H) New business.

(I) Miscellaneous.

(J) Appropriations.

(K) Adjournment.

Section 2-1202. Roll Call

Before proceeding with the business of the Council, the Clerk/Treasurer shall call roll of the members, and the names of those present shall be entered in the minutes.

Section 2-1203. Quorum

A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

Section 2-1204. Approval of Minutes

At the beginning of each meeting of the Mayor and Council of Brunswick, the Clerk/Treasurer shall read the Minutes of the previous meeting and the Mayor and Council shall make such corrections as necessary and shall approve the minutes as a permanent record.

Section 2-1205. Rules of Debate

(A) Presiding Officer. The Mayor, or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his action as Presiding Officer, except as provided in Section 2-1103.

(B) Getting the floor-improper references to be avoided. Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself to the question under debate.

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(D) Remarks of Council member-when entered in minutes. A Council member may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(E) Synopsis of debate-when entered in minutes. The Clerk/Treasurer may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming properly before the Council.

Section 2-1206. Addressing the Council

(A) Any person desiring to address the Council shall first secure the permission of the Presiding Officer to do so; provided, however, that a person may address the Council before a motion is made without securing such prior permission under the following circumstances:

(1) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to a matter then under discussion.

(2) Oral Communications. Taxpayers or residents of the City of Brunswick, or their authorized legal representatives, may address the Mayor and Council by oral communications on any matter concerning City business, or any matter over which the Mayor and Council has control; provided, however, that preference shall be given to those persons who may have notified the Clerk/Treasurer in advance of their desire to speak in order that the same may appear on the agenda of the Mayor and Council.

(B) After a motion is made by a member of the Council, no person shall address the Mayor and Council without first securing the permission of the Presiding Officer to do so.

Section 2-1207. Manner of Addressing Council

Each person addressing the Mayor and Council shall step up to the table, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Mayor and Council, shall limit his address to five minutes. All remarks shall be addressed to the Mayor and Council as a body and not to any member thereof. No person, other than the Mayor and Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Mayor and Council, without the permission of the Presiding Officer. No question shall be asked a Mayor and Council of Brunswick member except through the Presiding Officer. The foregoing shall apply to members of the Mayor and Council or the President.

Section 2-1208. Member Conduct

While the Mayor and Council of Brunswick is in session a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Mayor and Council nor disturb any member while speaking or refuse to obey the orders of the Mayor and Council of Brunswick or its Presiding Officer, except as otherwise herein provided.

Section 2-1209. Non-Member Conduct

Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Mayor and Council of Brunswick shall be forthwith, by the Presiding Officer, barred from further audience before the Mayor and Council of Brunswick unless permission to continue be granted by a majority of the Council.

Section 2-1210. Recorded Dissent

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Mayor and Council of Brunswick entered in the minutes.

Section 2-1211. Claims Against the City

No account or other demand against the Mayor and Council shall be allowed until the same has been considered and reported upon by the Mayor and Council of Brunswick.

Section 2-1212. Reports and Resolutions

All reports, ordinances, and resolutions shall be filed with the Clerk/Treasurer and entered in the minutes.

Section 2-1213. Adjournment

A motion to adjourn shall always be in order and decided without debate.

Article 2. Commissions and Committees

Title 1. Recreation Commission

Section 2-2101. Created

A Recreation Commission is created and established for the City of Brunswick. The membership of the Commission, subject to the discretion of the Mayor, shall represent as far as possible the various areas of the City. The members of the Commission shall serve without compensation.

Section 2-2102. Composition

The Recreation Commission shall consist of fifteen (15) members. Members shall be appointed by the Mayor and shall serve for terms of three (3) years or until their successors are appointed; provided that the members of such Commission first appointed shall be appointed for terms of such length that the terms of five (5) members shall expire on December 31st of each year thereafter. Appointments to fill the places of members whose terms will expire in any year shall be made effective on January 1st of the following year.

Section 2-2103. Vacancies

Vacancies in the Recreation Commission, occurring otherwise than by expirations of term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.

Section 2-2104. Officers

The members of the Recreation Commission shall elect their own Chairman and Secretary and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one year.

Section 2-2105. Functions

The Recreation Commission shall have the authority and duty to make recommendations to the Mayor and Council concerning the supervision and operation of the playgrounds, swimming pools, and all other recreation facilities and activities maintained or conducted, or proposed to be maintained or conducted by the City.

Title 2. Industrial Development Commission

Section 2-2201. Created

An Industrial Development Commission is created for the City of Brunswick. The membership of the Commission, subject to the discretion of the Mayor, shall represent as comprehensively as possible the various areas of the City. The members of the Commission shall serve without compensation.

Section 2-2202. Composition

The Industrial Development Commission shall consist of five (5) members. Members shall be appointed by the Mayor and shall serve for four (4) years, their terms to coincide with the four (4) year term of the Mayor.

Section 2-2203. Vacancies

Vacancies in the Industrial Development Commission, occurring otherwise than by expiration of a term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.

Section 2-2204. Officers

The members of the Industrial Development Commission shall elect their own Chairman and Secretary and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one year.

Section 2-2205. Functions

The Industrial Development Commission shall have the authority and duty to make recommendations to the Mayor and Council ascertaining the need for industrial development in the community, based on present employment conditions, and to see additional industrial expansion, commensurate with the economic and material resources of the community.

Title 3. Planning and Zoning Commission

Section 2-2301. Created

A Planning Commission is created for the City of Brunswick and shall be referred to as the "Commission" or "Planning Commission". Its territorial jurisdiction shall extend over the incorporated area of the City of Brunswick.

Section 2-2302. Membership

The Commission shall consist of five (5) members and one (1) alternate appointed by the Mayor with approval of the Council, each to serve for five (5) years, or until his successor takes office, except that the term of members first appointed are staggered such that the first person appointed serves for one year, the second appointed for two years, the third appointed serves for three years, the fourth appointed for four years and the fifth member appointed serves a term of five years. All members shall be eligible for reappointment.

Section 2-2303. Compensation

All members shall serve with such compensation as the Mayor and Council deem appropriate, and may be removed by the Mayor and Council for inefficiency, neglect of duty or malfeasance in office.

Section 2-2304. Functions

The Commission shall have the powers, functions and duties provided for in Article 66 B, Section 3.01 of the Annotated Code of Maryland, as amended.

Title 4. Joint Committee on Municipal Property

Section 2-2401. Created

A Joint Committee on Municipal Property is created for the City of Brunswick.

Section 2-2402. Composition

The Joint Committee shall be composed of the following persons:

- (A) A member of the Council whose appointment shall be for four (4) years or until his term as councilman shall expire. Such person shall be appointed by the Mayor with the approval of the Council, and shall serve as Chairman of the Committee.
- (B) The Chairman of the Brunswick Planning Commission.
- (C) The Chairman of the Council Committee on Parks.

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(D) The Chairman of the Recreation Commission.

(E) The City Engineer.

Section 2-2403. Functions

The Joint Committee on Municipal Property shall give its opinion to the Mayor and Council on the suitability of all tracts or parcels of land offered by developers or others to the City of Brunswick. Such suitability shall be determined as follows:

(A) Whether the parcel offered is of sufficient size to be used for a park or playground for public use, giving consideration to, but not limited to, its location, size, topography, construction costs and maintenance costs.

(B) When a small tract or parcel of land is offered the offer may be accepted contingent on the acceptance by an adjacent property owner of a long-term lease with the City of Brunswick for a sufficient quantity of land to utilize with the land being offered.

Section 2-2404. Proceedings

The Mayor and Council shall furnish a stenographer to the Joint Committee on Municipal Property to record all proceedings and recommendations. The recommendations shall be forwarded to the Brunswick Planning Commission, which shall, upon approval, advise the donor of the land or any property owner with whom the Mayor and Council shall enter into a long-term lease, and the plat of the premises or subdivision, as the case may be, shall be amended accordingly. After approval of the revised plat it shall be submitted to the Mayor and Council for final approval.

Article 3. Code of Ethics

Title 1. General Provisions

Section 2-3101. Applicability

The provisions of this Article apply to all elected or appointed officials and all employees of the City, except as hereafter provided.
(Ord. 439, passed 7-11-2006)

Section 2-3102. Definitions

The words used in this Article shall have their normal accepted meanings, except as set forth below. The word "shall" is always mandatory.

Business Entity. Any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

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City. The municipal corporation known as "Mayor and Council of Brunswick," which constitutes the government of the City of Brunswick.

City Employee. Any person employed in any capacity by the City, whether full-time or part-time.

Commission. The Ethics Commission as described at Section 2-3401.

Gift. The transfer of anything of economic value regardless of the form without adequate and lawful consideration. Gift does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of the Elections Article of the Code, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.
(Ord. 439, passed 7-11-2006)

Title 2. Prohibitions

Section 2-3201. Conflicts of Interest

City officials and employees to whom this Article is applicable shall not:

(A) Participate on behalf of the City in any matter that would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, child, or a business entity with which they are affiliated. Additionally, City officials and employees are prohibited from participating in matters where their parents and siblings have an interest;

(B) Hold or acquire an interest in a business entity that has or is negotiating a contract with the City or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 2-3301 of this Article;

(C) Be employed by a business entity that has or is negotiating a contract with the City or is regulated by their agency, except as exempted by the Commission pursuant to Section 2-3402 of this Article;

(D) Hold any outside employment relationship that would impair their impartiality or independence of judgment;

(E) Represent any party, for a contingency fee, before any City body;

(F) Within one year following termination of City service, act as a compensated representative of another in connection with any specific matter in which he or she participates substantially as a City official or employee;

(G) (1) Solicit any gift;

(2) Knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know;

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- (a) Is doing business with the City Council, as to members thereof, or, as to other officials or employees, with their office, agency, board, or commission; or
 - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duty;
- (3) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or if the recipient official or employee believes, or has reason to believe, that it is designed to do so, Subsection (G)(2) of this Section does not apply to:
- (a) Meals and beverages;
 - (b) Ceremonial gifts or awards that have insignificant monetary value;
 - (c) Unsolicited gifts of nominal value or trivial items of informational value;
 - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting that is given in return for participation in a panel or speaking engagement at the meeting;
 - (e) Gifts or tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;
 - (f) A specific gift or class of gifts that the City Council or the Commission exempts from the operation of this Section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;
 - (g) Gifts by a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control; or
 - (h) Honoraria;
- (H) Use the prestige of his or her office to advance his or her own private interest or the private interest of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office, within the meaning of this Subsection. Use of the prestige of an office shall include, but not be limited to:
- (1) The acting, and/or creating the appearance of acting, on behalf of the City by making any policy statement, and/or by promising to authorize or to prevent any official action of any nature, when the official or employee is not authorized to make such a statement;

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- (2) Representing his or her personal opinion to be the official position of the City or any agency of the City;
 - (3) Using and/or attempting to use his or her official position improperly to unreasonably request, grant, and/or obtain in any manner any unlawful and/or unwanted privileges, advantages, benefits and/or exemptions for him or herself, or others;
 - (4) Using, for immediate private financial gain and/or advantage, his or her City time and/or the City's staff, facilities, equipment and/or supplies to secure privileges and/or exemptions for himself or herself and/or others; or
- (I) Use confidential information acquired in their official City position for their own benefit or that of another.
(Ord. 439, passed 7-11-2006)

Title 3. Disclosure Requirements

Section 2-3301. Financial Disclosure

(A) The City officials and employees listed in Subsection (C) of this Section shall file annually, not later than January 31 of each calendar year during which they hold office or are employed, a schedule of each gift in excess of \$25 in value or a series of gifts totaling \$100 or more from any one person received at any time during the year for which the disclosure statement is filed by the person making the disclosure statement, or by any other person at the direction of the person making the disclosure statement, from, or on behalf of, directly or indirectly, any person who does business with the City, provided, however, that neither gifts received from the spouse, children, or parents of the person making the disclosure statement need be disclosed. This schedule, as to each such gift, shall include:

- (1) The nature and value of the gift; and
- (2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(B) Candidates for elective offices or appointees prior to accepting their position listed in Subsection (C) of this Section shall file disclosure statements consistent with the requirements of Subsection (A) of this Section at the time that they file their certificate of candidacy or are appointed.

(C) Officials and employees required to file:

- (1) The Mayor and each member of the City Council;
- (2) Officers, Department Heads/Assistant Department Heads, and Senior Staff, including the following:
 - (a) City Administrator;

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- (b) City Accountant;
- (c) Superintendent of Public Works/Assistant Superintendent of Public Works;
- (d) Superintendent of Wastewater/Assistant Superintendent of Wastewater;
- (e) Superintendent of Water/Assistant Superintendent of Water;
- (f) Chief of Police/Captain (Assistant Chief of Police);
- (g) Senior Code Enforcement Officer;
- (h) Parks and Recreation Director;
- (i) Planning and Zoning Administrator;
- (j) Senior Development Review Planner;
- (k) Public Works Administrator; and
- (l) Any employee authorized to negotiate contracts and/or purchases or make purchasing decisions for the City; and

(3) Members of the following current or future boards/commissions:

- (a) Board of Appeals;
- (b) Economic Development Commission;
- (c) Historic Commission;
- (d) Personnel Commission;
- (e) Planning Commission;
- (f) Any commission that has approval authority or influence for land development, or contracts, purchasing, financial and human relations decisions for the City.

(D) All persons subject to this Section shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to Section 2-3201 of this Article sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

(E) Disclosure statements filed pursuant to this Section shall be maintained by the Commission as public records available for public inspection and copying.

(Ord. 439, passed 7-11-2006)

Section 2-3302. Lobbying Disclosure

(A) Any person who personally appears before any City official or employee with the intent to influence that person in the performance of his or her official duties, and who, in connection with such intent expends or reasonably expects to expend in excess of \$75 on any one occasion or in a given calendar year in excess of \$150 on food, entertainment or other gifts for each such official and/or employee shall file a registration statement with the Commission not later than January 15th of the calendar year or within five days after first making such appearances.

(B) The registration statement shall include complete identification of the registrant and other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.

(C) Registrants under this Section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to any City official or employee. When a gift to a single official or employee exceeds \$75 in value, or a combination of gifts in any calendar year exceeds \$150 in value, the official or employee shall also be identified.

(D) The registrations and reports filed pursuant to this Section shall be maintained by the Commission as public records available for public inspection and copying.

(Ord. 439, passed 7-11-2006)

Title 4. Enforcement

Section 2-3401. Ethics Commission

There shall be a City Ethics Commission that shall be composed of five members appointed by the Mayor and approved by the City Council. The members shall be appointed to terms that shall be staggered as follows: one member shall be appointed to a one-year term; two members shall be appointed to two-year terms; and two members shall be appointed to three-year terms. Terms shall begin on July 1 and end on June 30. [Effective June 30, 2006, the current members' terms shall expire and said members shall be eligible for reappointment.] Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. All members must be residents of the City and registered to vote. The Commission shall annually elect a chairperson and vice-chairperson. Members shall serve without compensation, but provision may be made by the Mayor and City Council for necessary and proper expenses while performing official duties. The Commission shall be advised by the City Attorney or, if the City Attorney is disqualified from participating in a particular matter, by a substitute attorney appointed by the Mayor and City Council. The Commission shall have the following responsibilities:

(A) To be the advisory body responsible for interpreting this Article and advising persons subject to it as to its application;

(B) To devise, receive and maintain all administrative documents generated by this Article;

(C) To conduct a public information and education program regarding the purposes and application of this Article;

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(D) To be responsible for hearing and deciding, on advice of the City Attorney, any complaint filed regarding an alleged violation of this Article by any person. The Commission will not render a decision with regard to anonymous complaints;

(E) Any official or other person subject to the provisions of this Article may request the Commission for an advisory opinion concerning the application of this Article. The Commission shall respond promptly to such requests, providing interpretations of this Article based on the facts provided or reasonably available. Copies of these interpretations, with the identity of the subject deleted, shall be published and otherwise made available to the public in accordance with any applicable state law regarding public records;

(F) Any person may file a complaint with the Commission alleging a specific violation of any of the provisions of this Article. These complaints shall be written and signed by the complainant, and, by a majority vote of the Commission, may be referred to the City Attorney for investigation and review. In such instances, the City Attorney shall submit an investigative report to the Commission within a reasonable time. All complaints must be filed within one year of the time the complainant either knew, or in the exercise of reasonable care should have known of the violation;

(G) The Commission, by a majority vote, may initiate an investigation of a specific violation of any of the provisions of this Article. An investigation shall be conducted in accordance with the procedures provided in Subsection (F) of this Section;

(H) If after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, the Commission may dismiss the complaint. If there is a reasonable basis to believe that a violation has occurred, then the subject of the complaint or investigation shall be afforded an opportunity for a hearing conducted on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law;

(I) Upon a finding of a violation, the Commission may take any enforcement action provided for in accordance with Sections 2-3403 and 2-3404 of this Article. After a complaint is filed and until a final determination from the Commission, all actions regarding a complaint shall, to the extent possible, be treated confidentially;

(J) The Commission, through the City Attorney, may issue subpoenas to compel the attendance of witnesses and production of documents at its proceedings. The Commission may administer oaths at its hearings.

(Ord. 439, passed 7-11-2006)

Section 2-3402. Exemptions and Modifications

The Commission may grant exemptions and modifications to the provisions of Sections 2-3201 and 2-3301 of this Article if it determines that application of those provisions would:

(A) Constitute an unreasonable invasion of privacy;

(B) Significantly reduce the availability of qualified persons for public service;

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(C) Not be required to preserve the purposes of this Article; and

(D) Not require strict enforcement where it is found that the interest of the official and/or employee is too remote or insubstantial to affect the integrity of his or her public act.

(Ord. 439, passed 7-11-2006)

Section 2-3403. Cease and Desist Orders

The Commission may issue a cease and desist order against any person found to be in violation of this Article and may seek enforcement of such an order in the Circuit Court for Frederick County, Maryland.

(Ord. 439, passed 7-11-2006)

Section 2-3404. Disciplinary Action

(A) With respect to any person found to be in violation of this Article, the Commission has the following powers:

(1) Issue a cease and desist order pursuant to Section 2-3403;

(2) Impose a fine of up to \$1,000;

(3) Void an official action taken by an official or employee when the action was taken in violation of the ethics law; and/or

(4) Order restitution.

(B) The Commission may seek compliance with an order by filing an action for injunctive or other relief in the Circuit Court for Frederick County, Maryland.

(C) An employee found to have violated this Article may be subject to disciplinary or other appropriate personnel action, including suspension of salary or other compensation.

(Ord. 439, passed 7-11-2006)

Section 2-3405. Removal of Ethics Commission Member

A member of the Commission may be removed by the City Council, after a hearing, for:

(A) Neglect of duties;

(B) Misconduct in office;

(C) A disability that renders the member unable to discharge the powers and duties of office; or

(D) A violation of this Article.

(Ord. 439, passed 7-11-2006)

Article 4. Personnel

Title 1. General Provisions

Section 2-4101. Business Hours

The Clerk/Treasurer shall keep his office open for business at such times, upon such days, and during such hours, as may be from time to time designated by the Mayor and Council; that, in addition to such duties as may be prescribed by the City Charter and this Code, the City Clerk/Treasurer shall attend all regular and special meetings of the Mayor and Council.

Section 2-4102. Interdepartmental Assignments

In the interest of economy and efficiency, the Mayor shall have the authority to employ personnel in dual capacities on an interdepartmental basis if such employment shall be deemed necessary.

Section 2-4103. Rules and Regulations

Mayor and Council may from time to time make such rules and regulations as they may deem necessary for the employment of all persons employed by the City.

Section 2-4104. Dismissal of Employees

In accordance with Section 16-29 of the Charter, any employee may be dismissed by the Mayor and Council for misconduct in the performance of their duties, including the violation of the orders of the Mayor and Council or of supervisory personnel; and for the use of intoxicants and/or drugs during their hours of employment and performance of their duties as employees of the Mayor and Council of Brunswick.

Section 2-4105. Benefits

The Mayor and Council of Brunswick shall provide for workmen's compensation insurance, as well as for Social Security, retirement benefits, group life insurance and hospitalization benefits for all of their employees, as well as for such other benefits as the Mayor and Council may from time to time specifically decide.

Section 2-4106. Surety Bond

The City Clerk/Treasurer, and such assistant or assistants as he may have from time to time, shall, in addition to any requirements imposed by the City Charter, have a corporate fidelity or public official bond with surety or sureties to be approved by the Mayor and Council covering such case and/or securities as he or she may have under his or her control from time to time; that said bond shall be in a sum not to be less than Twenty Thousand Dollars (\$20,000) and to be in such penalty as may be provided from time to time by the Mayor and Council who shall pay all of the premiums required thereon.

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Title 2. Authorized Positions

Section 2-4201. Plan of Organization

The Mayor and Council reserves the right to add or abolish positions with the plan of organization as may be necessary to carry forth the intent and purpose of this Code.

Revisor's Note: See Article V of the Municipal Charter of Brunswick for a description of the powers and duties of the following personnel: Clerk/Treasurer, Auditor, Chief of Police, Assistant Chief of Police. See Section 16-31 of the Municipal Charter of Brunswick for the authority to appoint both the aforesaid personnel and the following additional personnel: attorney, general superintendent, and City engineer. Also see Section 16-29 of the Charter.

Section 2-4202. Assistant Clerk/Treasurer

An Assistant Clerk/Treasurer, who shall be a full-time employee only, may be employed by the Mayor and Council with such qualification for employment and salary as may be from time to time established by the Council.

Section 2-4203. General Superintendent

A General Superintendent shall be employed whose duty it shall be to supervise the maintenance of all City equipment, parks, buildings, streets, water and sewer lines and such other matters, duties, and things, as may be from time to time prescribed by the Mayor and Council; such General Superintendent shall be responsible to the Mayor, or to such person or persons as from time to time the Mayor may designate, for all actions taken by him in his capacity as General Superintendent; and the General Superintendent shall be governed by a working agreement and by such rules and regulations as may be from time to time provided for by the Mayor and Council.

Section 2-4204. Laborers

All laborers employed by the General Superintendent shall be only employed by him after having first had the advice and consent of the Mayor and Council and shall, upon their employment, be under the direct control and supervision of the General Superintendent.

Article 5. Fair Election Practices

Title 1. General Provisions

Section 2-5101. Definitions

As used in this Article, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board of Election Supervisors, herein referred to as "The Board". Three qualified voters who not less than 60 days prior to the date for any City election, will be appointed by the Mayor, with the

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advice and consent of the Council to supervise and oversee the election process as detailed in this Article.

Campaign Committee. A combination of two or more persons appointed by a candidate(s), or any other group of persons formed in a manner which has as a principal purpose to assist in the promotion of the success or defeat of any candidate(s) or proposition or question submitted for vote at any City election.

Campaign Fund Report. Contributions, transfers, expenditures, outstanding obligations and loans as required by this Article.

Campaign Material. Tangible material principally intended to promote the success or defeat of any candidate(s) or proposition, or question which has been, will be, or is sought to be submitted to a vote at any City election, including, but limited to, a pamphlet, circular, card, sample ballot, poster, advertisement, button, or any other printed, multi-graphed, photographed, typewritten or which may be copied by any device or method for publication and/or distribution relating to or concerning any candidate or the acceptance or defeat of any proposition or question. It also includes to any website designed and maintained to promote the success or defeat of any candidate(s) or proposition, or question, which has been, will be, or is sought to be submitted to a vote at any City election.

Candidate. An individual who seeks, and/or accepts nomination for election in a primary, or qualifies under the rules and regulations of a State recognized party for election to a City office.

Challengers or Watchers. A registered voter designated to be in a polling place by a candidate, political party, or other group for the purpose of observing an election.

Committee. Candidate committee, campaign committee, slates, central party committee, political action committee (PACs) and ballot issue committee.

Contribution. Payment and receipt of a gift or transfer of money or other thing of value by to any candidate, candidate's representative, or campaign committee to promote or assist in the success or defeat of any candidate(s), campaign committee, or proposition, or question submitted for vote at any City election.

Election. Any general, primary, special or recall opportunity to vote in accordance with the provisions outlined in the City Charter.

Expenditure. Disbursement of any gift or transfer of money or other thing of value by any candidate, treasurer, candidate's representative, or campaign committee to promote or assist in the success or defeat of any candidate(s), campaign committee, or proposition submitted for vote at any City election.

Polling Place. The City Park Building or other location designated by the Mayor and Council where registered voters go to cast their votes in a City election.

Registration. Act by which a resident of the City becomes qualified to vote in any City election.

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Treasurer. Any person appointed by a candidate or campaign committee to receive and disburse funds or other things of value during an election cycle.

Walk-around Services. Include, but not are limited to communicating a voting preference or choice in any manner, stationing any person or object along the path to the poll, distributing campaign literature, electioneering or canvassing, performed while polls are open.
(Ord. 436, passed 5-9-2006)

Section 2-5102. General Election Procedures

(A) It shall be the duty of the Mayor and Council to provide for each general, special or recall election a suitable place(s) for voting, ballot boxes, ballots and/or voting machines.

(B) The name of each qualified candidate for elective office shall be arranged alphabetically (or as determined by County procedures) and include when warranted special petitions or referendums to be decided by vote.

(C) Polling places will be open from 8:00 a.m. to 8:00 p.m. for all City elections. A voter in line at 8:00 p.m. will be allowed to cast their vote.

(D) Any qualified voter who may be absent from the City on the day of the election, or who is otherwise prevented from being personally present to vote at the poll location may vote as an absentee voter.

(E) Election Judges may provide assistance to voters, who due to physical infirmity may have difficulty in voting. The City shall make appropriate provisions for handicapped voters.

(F) Write-in votes are prohibited in all City elections.

(G) The provisions of this Article shall apply to all elections in which ballots shall be cast pursuant to provisions of this Chapter.

(H) The City Administrator shall distribute this Article to all candidates for public office at the time such candidate(s) file for election and shall prepare and include such distribution to each candidate forms required by this Article.

(I) The City shall publish in a newspaper published or circulated in Brunswick details of the pending election, to include, polling place, date, and object of election.

(Code 1930, art. 11, § 34; 1943, ch 740, § 1; 5-10-56, § 1; 4-11-61, § 1; 8-9-66, § 1; Char. Res. 2-12-74; Res. 12-13-77; Char. Res. 93, 7-14-93), (Rev. 9/93), (5/06)

(Ord. 436, passed 5-9-2006)

Section 2-5103. Absentee Ballots

(A) Absentee ballots may be obtained from City Hall at any time after the official voting roles have been closed by Frederick County 30 days prior to the election.

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(B) Absentee ballot application must be completed with certifications, if required, and terms agreed to prior to issuance.

(C) Absentee ballots may be mailed to requestors no later than one calendar week prior to the election and must be received by mail at City Hall no later than the day of the election.

(D) Absentee ballots may also be cast in person at City Hall up to the day before the election.

(E) A special voting box (machine) will be designated by the Election Judges/Supervisor for absentee ballots.

(Ord. 436, passed 5-9-2006)

Section 2-5104. Provisional Ballots

(A) A provisional ballot is a safeguard that ensures that no individual who asserts that he or she is registered and eligible to vote will be prevented from casting a ballot on election day.

(B) Provisional ballots may be issued for following conditions:

(1) Not on voting register.

(2) Unable to provide required identification.

(3) Received an absentee ballot provided the voter alleges the absentee ballot has not been cast.

(4) Voter identity is challenged by an Election Judge.

(Ord. 436, passed 5-9-2006)

Section 2-5105. Nomination of Candidates *(formerly Charter, Section 16-14)*

(A) Nominations of candidates for Mayor and Council members shall be made by petition; provided each such petition shall be signed by at least 20 registered voters and filed with the City Administrator or designee 30 days prior to the date of any City election.

(B) The signers of such petitions must be registered voters qualified to vote for the person whose name is presented and nominated for a place on the official ballot and shall make oath as prescribed on the petition.

(C) A filing fee of \$10 shall accompany petitions for any office.

(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 7-11-72; Char. Res. 12-11-73; Char. Res. 2-93, 7-14-93) (Rev. 9/93) (5/06)

(Ord. 436, passed 5-9-2006)

Section 2-5106. Board of Election Supervisors – "The Board"

(A) Not less than 60 days prior to the date for any City election, the Mayor, with the advice and consent of the Council, shall appoint three qualified voters of the City to serve as a Board of Election Supervisors. The term of appointment shall be from the date of appointment until 60 days after the date of the election, unless otherwise extended by the Mayor, with the advice and consent of the Council.

(B) The members of the Board of Election Supervisors shall be persons of high character and integrity. They shall be legal residents and registered voters of the City.

(C) The Board of Election Supervisors shall elect a President. All questions will be decided by majority vote unless otherwise provided in this Article.

(D) The Board of Election Supervisors shall generally supervise the conduct of the system of registration and all elections in accordance with the provisions of this Article and the ordinances of the City.

(Ord. 436, passed 5-9-2006)

Section 2-5107. Computation of Time

In computing time for notice to be given, or for the performing of any other act under this Article, Saturday, Sunday or a legal holiday shall be included, except when the day on which notice should be given, or an act performed, occurs on a Saturday, Sunday or legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such Saturday, Sunday or legal holiday. In such computation the date of giving notice or performing any act and the day of registration or election shall be excluded.

(Ord. 436, passed 5-9-2006)

Section 2-5108. Election Judges *(formerly Charter, Section 16-16, as amended)*

(A) Board of Election Supervisors (the Board) shall appoint the following election judges with the appointment to occur not less than 45 days preceding the date of the election:

- (1) Two Chief Judges;
- (2) Two Machine Judges; and
- (3) Three Book Judges.

(B) All Election Judges must be residents of the City and registered voters. Election Judges will be under the supervision of the Board. Election judges must be able to speak, read and write English during the time of acting as a judge; must not hold nor be a candidate for any elective public office, nor be affiliated with any candidate, slate or committee as a treasurer or campaign manager.

(C) Election Judges are prohibited from any form of electioneering during the performance of their duties.

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(D) Election Judges may not leave the polling place at any time.

(E) Training for Election Judges shall follow the County Board of Elections manual as prescribed for the last preceding County election, unless a different style of voting machine is used, then other appropriate training will be conducted. Training must be conducted by the Board of Supervisors or their agent, at least 1 week prior to the election.

(F) Each Judge shall take and subscribe to the oath of office, before the Board of Elections, which oath shall be printed in a book for that purpose and shall be substantially in the following form:

"I, _____ residing at _____ in the City of Brunswick, in the State of Maryland, do solemnly swear (or affirm) that I am a legal voter of said City, that I support the Constitution of the United States and that I will be faithful and bear allegiance to the State of Maryland and support the Constitution and laws thereof and that I will faithfully and honestly without fear, partially or prejudice, according to the best of my ability, discharge the duties of an officer of registration and of Election Judge for the City of Brunswick, according to the law.

(G) Compensation for each serving Judge will be set and adopted from time-to-time by the Mayor and Council.

(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2, 12-74, 5/06)

(Ord. 436, passed 5-9-2006)

Section 2-5109. Election>Returns Certification and Reservation of Ballots *(formerly Charter, Section 16-17)*

(A) The Election Judges at every election requiring a decision of the voters, immediately after the polls are closed, shall count the ballots cast. The person receiving the highest number of votes for Mayor shall be declared elected as Mayor. The person(s) receiving the highest number of votes for Council member shall be declared as elected Council member. A majority vote shall be declared for or against any petition or question on the ballot.

(B) The Chief Judges shall verify the results and cause a copy of the unofficial results to be posted on the exterior of the main entrance to the polling place. The Chief Judges will secure all the voting devices and safely secure all ballots, electronic memory devices and other such voting documentation. The Chief Judges will together, take the container to City Hall, where the City Administrator secure the container.

(C) Certification of the election by the Board will take place within one week of the date of the election, depending on the use of absentee and/or provisional ballots. The Board, prior to certification, shall cause all absentee and/or provisional ballots to be cast in the same manner as was done on Election Day. Those votes cast will be added the votes from election to produce a certified official election of candidates and/or petitions or questions.

(D) All cast ballots and the official results shall be maintained by the City for at least two years from the date of the election.

(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74; Char. Res. 2-93, 7-14-93, 5/06)

(Ord. 436, passed 5-9-2006)

Section 2-5110. Challengers or Watchers

(A) These individuals may observe the set up of the voting machines or other devices used for the collection of ballots, voting throughout the day, and the closing procedure, i.e., collection and counting of ballots, and tabulation of results. It is unlawful for any challenger or watcher to inquire for which candidate a voter intends to vote, to converse in the polling place, or to assist any voter.

(B) A certificate signed by any candidate or committee and approved by the Board of Election Supervisors shall be sufficient evidence of the right of the individual to be present in the polling place. Challengers and watchers may not interfere with or obstruct any Election Judge or place in the proper performance of their job.

(C) If an individual commits any of these prohibited acts, a Chief Judge will revoke the certificate and escort the individual from the polling place.

(Ord. 436, passed 5-9-2006)

Section 2-5111. Electioneering

(A) No person or entity shall canvass, electioneer or post any campaign material in any polling place or within a 100-foot radius from any entrance or exit used by voters where the ballots are cast at a polling place.

(B) Any person found guilty of illegal electioneering shall be fined by the Police Department not less than \$50 or more than \$500.

(Ord. 436, passed 5-9-2006)

Section 2-5112. Applicability

The provisions of this Article shall apply to all City elections in which ballots shall be cast pursuant to provisions of this Chapter.

(Ord. 436, passed 5-9-2006)

Section 2-5113. Distribution of Article and Forms to Candidates

The City Administrator shall provide for the distribution of this Article to all candidates for public office at the time such candidate(s) file for election and shall prepare and include such distribution to each candidate forms required by this Article.

(Ord. 436, passed 5-9-2006)

Title 2. Campaign Financing

Section 2-5201. Treasurer for Candidate, Appointment

Each candidate for election to office may appoint one treasurer and file the name and address of the treasurer with the Board of Election Supervisors; the treasurer shall file election reports in accordance with this Article.

(Ord. 436, passed 5-9-2006)

Section 2-5202. Candidate Bank Account

Every candidate for election to public office shall maintain a separate bank account for deposit of all contributions. Each such bank account shall be opened in accordance with all applicable state and federal banking laws and be registered in a manner that identifies it as the account of the candidate. (Ord. 436, passed 5-9-2006)

Section 2-5203. Personal Contributions and Expenses of Candidates

Personal expenses of the candidate for filing fees, telegrams, telecopier, electronic mail, telephoning, travel and board shall not be considered contributions if paid for by the candidate. (Ord. 436, passed 5-9-2006)

Section 2-5204. Anonymous Contributions

No candidate or treasurer shall accept any contribution from an unidentified person or organization in furtherance of the candidate's nomination or election. (Ord. 436, passed 5-9-2006)

Section 2-5205. Corporate Contributions

Corporate contributions, as well as contributions from any other business entities, political clubs, political committees, political action committees, federal committees and labor unions are allowed. If a contribution is from any of the foregoing entities, the name and address of the entity itself shall be entered in the candidate's records and in the campaign finance reports. (Ord. 436, passed 5-9-2006)

Section 2-5206. Limitation of Contributions

It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than \$500 to any single candidate or campaign committee or to contribute money in excess of \$100 except by check. (Ord. 436, passed 5-9-2006)

Section 2-5207. Election Reports Required

(A) Every candidate for election to public office, or his or her treasurer, shall file a report of contributions and expenditures in accordance with the provisions of this section on forms prescribed by the Board of Election Supervisors. Election reports are required by all candidates for public office, regardless of whether or not the candidate withdraws subsequent to nomination.

(B) The report shall be filed not later than ten days following the date of the City election.

(C) The report shall contain:

(1) The name and address of the candidate;

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- (2) The name and address of the treasurer, if appointed;
 - (3) Date of the report;
 - (4) Name and address of each contributor;
 - (5) The dollar amount of each contribution, or if not money, a description and estimated value of such non-monetary contributions;
 - (6) The name and address of each expenditure;
 - (7) The dollar amount and nature of each expenditure;
 - (8) Written verification by the candidate and treasurer, if appointed.
- (D) Election reports shall be filed with the Board of Election Supervisors. The board shall maintain all reports for a period of one year. Reports shall be made available for public inspection and copying during normal business hours through the City Administrator, or designee.
(Ord. 436, passed 5-9-2006)

Section 2-5208. Enforcement and Penalties

The Board of Election Supervisors shall aid in the prosecution of all offenses under this Article. Except as otherwise provided herein, any person who fails to perform any duty required of him or her under provision of this Article; or willfully violates any provision of this Article is guilty of a municipal infraction and shall be punished with a fine of not more than \$400.
(Ord. 436, passed 5-9-2006)